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PRL USA Holdings, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRL USA HOLDINGS, INC., Plaintiff, -against- 1234 BROADWAY LLC; JOHN DOE and/or JANE DOE 1-5, Defendants.	CIVIL ACTION NO. 16 CV _______

COMPLAINT

Plaintiff PRL USA Holdings, Inc. ("PRL" or "Plaintiff") by and through its undersigned counsel, for its Complaint against 1234 Broadway LLC ("1234 Broadway") and John Doe and/or Jane Doe 1 through 5 (individually "John Doe 1" through "John Doe 5") (collectively, the "Defendants") alleges as follows:

STATEMENT OF THE CASE

1. Plaintiff seeks monetary and injunctive relief against Defendants for numerous causes of action, including but not limited to, (i) direct and contributory trademark counterfeiting, in violation of 15 U.S.C. § 1114; (ii) direct and contributory trademark infringement, in violation of 15 U.S.C. § 1114; (iii) direct and contributory false

descriptions/false designations of origin, in violation of 15 U.S.C. § 1125; and (iv) knowingly permitting leased real property to be used for an unlawful trade or business, in violation of N.Y. Real Prop. L. § 231(2).

2. Certain areas of New York City have long been major distribution hubs for counterfeit goods that are sold throughout the United States. Wholesale and retail sales of counterfeit goods occur frequently and regularly from locations around the city. The Plaintiff in this case, and trademark holders in general, has been plagued by the sale and distribution of counterfeit goods at locations all over New York City for years. To combat this illegal activity and protect its world-famous and valuable name, reputation and trademarks, Plaintiff has, at great expense, commenced and led enforcement efforts in and around New York City. PRL regularly works with law enforcement in operations against the individuals and entities selling counterfeit goods bearing its trademarks. Arrests for trademark counterfeiting have been made routinely by the New York City Police Department and by other agencies. The Mayor's Office of Special Enforcement for the City of New York has conducted numerous enforcement operations against both the sellers of counterfeit goods and the property owners that lease them the space, enabling the ongoing sale of counterfeit merchandise.

3. 1234 Broadway, New York, New York 10001 (the "Property") has been an active site of the sale of counterfeit goods bearing Plaintiff's trademarks dating back to 2011. The basement of the Property is comprised of a series of rooms with a numbering system that, upon information and belief, has changed over time. The room numbers referenced herein reflect the room numbering system that was in effect at the Property on the date of each counterfeiting event described.

4. John Doe 1 is an individual or entity operating from "Room 0-4," which is located in the basement of the Property. John Doe 1 is engaged in the illegal sale of counterfeit PRL goods from this Room 0-4.

5. John Doe 2 is an individual or entity operating from "Room 6," which is located in the basement of the Property. John Doe 2 is engaged in the illegal sale of counterfeit PRL goods from this Room 6.

6. John Doe 3 is an individual or entity operating from "Room 7," which is located in the basement of the Property. John Doe 3 is engaged in the illegal sale of counterfeit PRL goods from this Room 7.

7. John Doe 4 is an individual or entity operating from "Room 8," which is located in the basement of the Property. John Doe 4 is engaged in the illegal sale of counterfeit PRL goods from this Room 8.

8. John Doe 5 is an individual or entity operating from "Room 13," which is located in the basement of the Property. John Doe 5 is engaged in the illegal sale of counterfeit PRL goods from this Room 13.

9. Over the last five (5) years, John Does 1 through 5 (collectively, the "Tenant Defendants") have sold, offered for sale and distributed counterfeit goods bearing Plaintiff's Federally Registered Trademarks (defined *infra.*) from the Property. Defendant 1234 Broadway, the owner of the real property from which these sales have taken place, continues to allow its premises to be used as a safe haven and marketplace from which counterfeiters can sell their wares. 1234 Broadway apparently has sanctioned a number of counterfeiters despite multiple notices from Plaintiff. As the factual allegations herein show, even when 1234 Broadway took

action regarding the multiple notices received from Plaintiff, the counterfeiting tenants moved to different rooms at the Property, creating a beehive of counterfeiting activity. This revolving door of counterfeiters cannot be condoned and 1234 Broadway must be held accountable for its complicity in these illegal activities.

JURISDICTION AND VENUE

10. This Court has original jurisdiction over the subject matter of this civil action pursuant to 15 U.S.C. § 1051, et seq., 1114(1), § 1121 and 28 U.S.C. §§ 1331 and 1338.

11. This Court has supplemental jurisdiction over the claims in this Complaint which arise under state statutory and common law pursuant to 28 U.S.C. § 1367(a), since the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

12. This Court may exercise personal jurisdiction over Defendants pursuant to § 301 of the New York Civil Practice Law and Rules ("CPLR"), because Defendants are domiciled within the State of New York.

13. Alternatively, this Court may exercise personal jurisdiction over Defendants pursuant to CPLR §§ 302(a)(1), (2) and (4), because the acts about which Plaintiff complains arise from Defendants' transaction of business within New York State and/or agreement to supply goods in New York State; Defendants' commission of a tortious act within New York State; and/or Defendants' ownership, use or possession of real property situated within New York State.

14. Venue is proper in this judicial district under 28 U.S.C. § 1391, because a substantial part of the events or omissions giving rise to the claims alleged by Plaintiff occurred within the City, State and County of New York.

THE PARTIES

15. Plaintiff is a Delaware Corporation with its principal place of business located at 650 Madison Avenue, New York, NY 10022. PRL is a wholly-owned subsidiary of Ralph Lauren Corporation.

16. Defendant 1234 Broadway LLC is a New York Corporation. Defendant 1234 Broadway LLC's principal place of business is located at 38 West 31st Street, New York, New York 10001. Defendant 1234 Broadway is the owner of the real property located at 1234 Broadway, New York, New York 10001.

17. Defendant John Doe 1 operates a business from Room 0-4 in the basement of the Property, and has been doing business in the City and State of New York and has sold, offered for sale, manufactured and/or stored and distributed counterfeit goods bearing Plaintiff's Federally Registered Trademarks at this location.

18. Defendant John Doe 2 operates a business from Room 6 in the basement of the Property, and has been doing business in the City and State of New York and has sold, offered for sale, manufactured and/or stored and distributed counterfeit goods bearing Plaintiff's Federally Registered Trademarks at this location.

19. Defendant John Doe 3 operates a business from Room 7 in the basement of the Property, and has been doing business in the City and State of New York and has sold, offered for sale, manufactured and/or stored and distributed counterfeit goods bearing Plaintiff's Federally Registered Trademarks at this location.

20. Defendant John Doe 4 operates a business from Room 8 in the basement of the Property, and has been doing business in the City and State of New York and has sold, offered

for sale, manufactured and/or stored and distributed counterfeit goods bearing Plaintiff's Federally Registered Trademarks at this location.

21. Defendant John Doe 5 operates a business from Room 13 in the basement of the Property, and has been doing business in the City and State of New York and has sold, offered for sale, manufactured and/or stored and distributed counterfeit goods bearing Plaintiff's Federally Registered Trademarks at this location.

22. The identity of the Tenant Defendants is not presently known, and the Complaint will be amended, if appropriate, to include the name or names of said individuals when such information becomes available.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

I. PLAINTIFF AND ITS BUSINESS

23. PRL, under the leadership of its world-famous designer, Ralph Lauren, is a fashion leader in clothing and related fashion accessories. PRL has a reputation both in the United States and throughout the world for high-fashion products sold under PRL's trademarks, which are recognized by the trade and purchasing public as being associated with only items of the highest style and of the highest quality. PRL actively advertises its products.

24. Plaintiff PRL is the owner of the entire right, title and interest in and to, inter alia, the valid, subsisting trademarks and uncanceled trademark registrations on the Principal Register of the United States Patent and Trademark Office and the owner of common law trademarks, which include, but are not limited to, the following:

Trademark	Registration No.	Registration Date	Goods
POLO	1,363,459	10/1/85	Clothing-namely, suits, slacks, trousers, shorts, wind resistant jackets, jackets, blazers, dress shirts, sweatshirts, sweaters, hats, belts, socks, blouses,

Trademark	Registration No.	Registration Date	Goods
			skirts, coats, and dresses.
POLO	1,446,173	7/7/87	Frames for prescription and non-prescription lenses, and complete sunglasses.
RALPH LAUREN	1,447,282	7/14/87	Frames for prescription and non-prescription lenses and complete sunglasses.
POLO	1,508,314	10/11/88	Men's suits, slacks, ties, sweaters, jackets, coats, shoes, shirts, hats, belts and socks and ladies' blouses, skirts, suits and dresses.
DESIGN ONLY Polo Player astride horse emblem	1,512,754	11/15/88	Clothing -- namely, suits, slacks, trousers, shorts, wind-resistant jackets, jackets, blazers, dress shirts, knit shirts, sweatshirts, sweaters, hats, belts, socks, blouses, skirts, coats and dresses.
RALPH LAUREN word mark	1,624,989	11/27/90	Clothing - namely, suits, slacks, trousers, shorts, wind resistant jackets, jackets, blazers, dress shirts, knit shirts, sweatshirts, sweaters, hats, belts, socks, blouses, skirts, coats and dresses.
RALPH LAUREN	1,835,393	5/10/94	Jewelry.
DOUBLE RL	1,876,705	1/31/95	Wearing apparel; namely, jeans, jackets, T-shirts, sweaters, slacks, woven shirts, vests, ties, hats, sweatshirts, overalls and belts.
RRL DESIGN	1,891,143	4/25/95	Wearing apparel; namely, jeans, jackets, T-shirts, sweaters, slacks, woven shirts, vests, ties, hats, sweatshirts, overalls and belts.
PRL AND DESIGN	1,932,955	11/7/95	Wearing apparel, namely jeans, jackets, T-shirts, sweaters, slacks, woven shirts, vests, ties, hats, sweatshirts, overalls and belts.
POLO SPORT	1,951,601	1/23/96	Wearing apparel, namely pants, shorts, jackets, T-shirts, sport shirts, knit shirts, sweatshirts, hats, socks and footwear.
RALPH LAUREN	1,976,324	5/28/96	Clutches, shoulder bags, cosmetic bags, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, circular cosmetic and personal grooming bags, clothing and personal item bags with drawstrings for over the shoulder use, grooming kits in the nature of small traveling bags for carrying personal hygiene items, traveling bags designed for holding suits, tie cases, satchels, purses and other personal item bags with rigid top supports, garment bags for travel, traveling bags for carrying personal items and clothing, coin bags, drawstring pouches, overnight bags, wallets and key holders, all sold empty.
POLO JEANS CO.	2,049,948	4/1/97	Wearing apparel, namely, jeans, T-shirts, knit shirts, sweatshirts, overalls, blouses, skirts, dresses and hats.
DESIGN ONLY polo player astride horse	2,052,315	4/15/97	Clutches, shoulder bags, cosmetic bags sold empty, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, grooming kits sold empty, suit bags, tie cases, satchels, pole bags, garment bags for travel, coin purses, drawstring pouches, overnight bags, wallets and key cases.
POLO RALPH	2,077,082	7/8/97	Clutches, shoulder bags, cosmetic bags sold empty,

Trademark	Registration No.	Registration Date	Goods
LAUREN with the horse and polo rider emblem			tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, grooming kits sold empty, suit bags, tie cases, satchels, garment bags for travel, coin purses, drawstring pouches, overnight bags, wallets and key cases.
RL flag design	2,101,662	9/30/97	Wearing apparel, namely, jeans, jackets, woven shirts, T-shirts, knit shirts, sweatshirts, overalls, blouses, skirts, dresses and hats.
RALPH	2,175,394	7/21/98	Frames for prescription and non-prescription lenses, and complete sunglasses.
POLO SPORT	2,137,811	2/17/98	Eyeglass frames for prescription and non-prescription lenses; and sunglasses.
CHAPS	2,137,833	2/17/98	Frames for prescription and non-prescription lenses, and complete sunglasses.
LAUREN	2,246,900	5/25/99	Wearing apparel, namely, topcoats, raincoats, jackets, suit jackets, suit coats, sport coats, sport jackets, blazers, blouses, shirts, shirt jackets, pants, skirts, dresses, sweaters, tee shirts, hats and scarves.
RLX	2,276,536	9/7/99	Wearing apparel, namely, pants, shorts, jackets, coats, woven shirts, T-shirts, knit shirts, sweaters, sweatshirts, blouses, skirts, dresses, hats, footwear, socks, hosiery and gloves.
RL	2,312,818	2/1/00	Wearing apparel, namely, jeans, jackets, woven shirts, T-shirts, knit shirts, sweatshirts, overalls, pants, sweaters, shorts, vests, ties, bathing suits, scarves, hosiery, bodysuits, belts, blouses, skirts, dresses, coats, hats and shoes.
RUGBY	2,137,833	4/11/00	Frames for prescription and non-prescription lenses and complete sunglasses.
LAUREN	2,419,959	1/9/01	Handbags, clutches, shoulder bags, tote bags, backpacks, duffle bags, travel bags, suit bags, satchels, garment bags for travel, coin purses, drawstring pouches, overnight bags, wallets and key cases.
CHAPS	2,505,790	11/13/01	Clothing, namely, sport shirts, sweaters, sweatshirts, t-shirts, shorts, jackets, pants, sport jackets and suits.
RALPH	2,527,823	1/8/02	Clutches, shoulder bags, cosmetic bags sold empty, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, grooming kits sold empty, suit bags, tie cases, satchels, garment bags for travel, coin purses, drawstring pouches, overnight bags, wallets and key cases.
POLO GOLF	2,686,291	2/11/03	Wearing apparel, namely, shirts, sweaters, pants, sweatshirts and t-shirt.
CHAPS AND C LOGO DESIGN	2,990,440	8/30/05	Wearing apparel, namely, sport shirts, knit shirts, sweaters, sweatshirts, t-shirts, blouses, shorts, jackets, pants, jeans, overalls, skirts, dresses, hats, socks and swimwear.
PINK PONY	3,036,422	12/27/05	Clothing – namely, sweaters and t-shirts.
RL	3,120,485	7/25/06	Eyeglasses, sunglasses, cases for eyeglasses and sunglasses.

RALPH LAUREN GOLF	3,213,555	2/27/07	Sports and leisure wear, namely, shorts, pants, golf trousers, t-shirts, polo shirts, rugby shirts, golf shirts, tank tops, jerseys, tights, stockings, leotards, unitards, body suits, leg warmers, leggings, socks, gloves, athletic uniforms, jackets, parkas, ponchos, swimwear, sweaters, fleece pullovers, sweat suits, jogging suits, rain suits, boots, slippers, sandals, athletic footwear, hats, caps, visors, head bands, wrist bands, tennis wear, golf wear, namely, shoes and shirts; ski wear; wearing apparel namely, slacks, jeans, belts, suspenders, shirts, twin sets, ties, men's and women's suits, vests, undergarments, sweaters, blazers, coats, scarves, shawls, robes, sleepwear, loungewear and all-purpose footwear excluding orthopedic footwear.
RALPH LAUREN TENNIS	3,215,910	3/6/07	Sports and leisure wear, namely, shorts, pants, golf trousers, t-shirts, polo shirts, rugby shirts, golf shirts, tank tops, jerseys, tights, stockings, leotards, unitards, body suits, leg warmers, leggings, socks, gloves, athletic uniforms, jackets, parkas, ponchos, swimwear, sweaters, fleece pullovers, sweat suits, jogging suits, rain suits, boots, slippers, sandals, athletic footwear, hats, caps, visors, head bands, wrist bands, tennis wear, golf wear, namely, shoes and shirts; ski wear; wearing apparel namely, slacks, jeans, belts, suspenders, shirts, twin sets, ties, men's and women's suits, vests, undergarments, sweaters, blazers, coats, scarves, shawls, robes, sleepwear, loungewear and all-purpose footwear excluding orthopedic footwear.
RALPH LAUREN SPORT	3,218,130	3/13/07	Sports and leisure wear, namely, shorts, pants, golf trousers, t-shirts, polo shirts, rugby shirts, golf shirts, tank tops, jerseys, tights, stockings, leotards, unitards, body suits, leg warmers, leggings, socks, gloves, athletic uniforms, jackets, parkas, ponchos, swimwear, sweaters, fleece pullovers, sweat suits, jogging suits, rain suits, boots, slippers, sandals, athletic footwear, hats, caps, visors, head bands, wrist bands, tennis wear, golf wear, namely, shoes and shirts; ski wear; wearing apparel namely, slacks, jeans, belts, suspenders, shirts, twin sets, ties, men's and women's suits, vests, undergarments, sweaters, blazers, coats, scarves, shawls, robes, sleepwear, loungewear and all-purpose footwear excluding orthopedic footwear.
C (Stylized)	3,225,869	4/3/07	Wearing apparel, namely, sport shirts, knit shirts, sweaters, sweatshirts, t-shirts, blouses, shorts, jackets, pants, jeans, overalls, skirts, dresses, hats, socks and swimwear.
PINK PONY	3,245,586	5/22/07	Wearing apparel, namely, jackets, sweatshirts, sweat pants, hats, scarves, jerseys, jeans, turtlenecks and bikinis.
LAUREN JEANS COMPANY	3,254,299	6/19/07	Wearing apparel, namely, jeans, vests, jackets, coats, shirts, sweatshirts, overalls, blouses, skirts, dresses, hats, pants, socks, gloves and footwear.

RL	3,687,528	9/22/09	Handbags, clutches, shoulder bags, tote bags, backpacks, saddle bags, duffle bags, travel bags, suit bags, satchels, hip packs, roll bags, carryalls, garment bags, suit cases, coin purses, drawstring pouches, briefcases, attaché cases, wallets, key cases, billfolds, tie cases, credit card cases, business card cases, grooming kits sold empty, cosmetics and toilet bags sold empty, shaving bags sold empty, and umbrellas.
DESIGN ONLY	4,169,636	7/10/12	Handbag.
DENIM & SUPPLY RALPH LAUREN	4,430,736	11/12/13	Belts, blouses, coats, dresses, hats, jackets, pants, scarves, shirts, shorts, skirts, t-shirts and tops.
DENIM & SUPPLY RALPH LAUREN	4,438,197	11/26/13	Handbags.

(hereinafter collectively referred to as "Plaintiff's Federally Registered Trademarks"). Copies of the PRL trademark registrations, as listed on the U.S. Patent and Trademark Office website, are attached as Ex. A.

25. PRL is also the owner of any common law trademarks associated with its products.

26. Plaintiff's Federally Registered Trademarks are in full force and effect and have been used for years on and in connection with PRL's merchandise.

27. Plaintiff's Federally Registered Trademarks and the goodwill of the business of PRL in connection with which the trademarks are used have never been abandoned and are in full force and effect. PRL intends to preserve and maintain its rights with respect to its Federally Registered Trademarks.

28. Plaintiff also is the owner of the trade name "Polo," which plaintiff has used to identify itself and its products in the United States for nearly 50 years.

29. Plaintiff's Registered Trademarks and the "Polo" trade name and the goodwill of the business associated there with in the United States and throughout the world are of great and incalculable value, are highly distinctive and arbitrary, and have become associated in the public

mind with the products and services of the very highest quality and reputation fending their source in Plaintiff.

30. Based on PRL's extensive sales (2015 global sales of over $7.62 billion) and advertising of its products and the wide popularity of these items, the PRL Registered Trademarks have developed a secondary meaning and significance in the minds of the purchasing public, Products bearing the PRL Registered Trademarks are immediately identified by the purchasing public with Plaintiff PRL.

II. DEFENDANTS AND THEIR BUSINESSES

A. *The Tenant Defendants*

31. Upon information and belief, the Tenant Defendants have infringed, continue to infringe and threaten to further infringe Plaintiff's Federally Registered Trademarks by manufacturing, distributing and selling counterfeit merchandise. The counterfeit products which are being manufactured, distributed and sold by the Tenant Defendants bear copies of Plaintiff's Federally Registered Trademarks. The display of such counterfeit and infringing products by the Tenant Defendants is an unauthorized public display of products bearing Plaintiff's Federally Registered Trademarks. The marketing of such counterfeit and infringing products by the Tenant Defendants is an unauthorized distribution of copies of products bearing Plaintiff's Federally Registered Trademarks.

32. Long after Plaintiff's use and registration of Plaintiff's Federally Registered Trademarks, the Tenant Defendants, on information and belief, commenced the manufacture, distribution, and sale of merchandise bearing counterfeits and infringements of the Plaintiff's Federally Registered Trademarks as those trademarks appear on Plaintiff's products and as shown in the U.S. Trademark Registrations attached to this Complaint as Ex. A.

33. Upon information and belief, the activities of the Tenant Defendants complained of herein constitute willful and intentional infringement of Plaintiff's Federally Registered Trademarks, are in total disregard of Plaintiff's rights, and were commenced and have continued in spite of the Tenant Defendants' knowledge that the use of any of Plaintiff's Federally Registered Trademarks, or copies or colorable imitations thereof, was and is in direct contravention of Plaintiff's rights. The use by the Tenant Defendants of copies of Plaintiff's Federally Registered Trademarks has been without Plaintiff's consent, is likely to cause confusion and mistake in the minds of the purchasing public and, in particular, tends to and does falsely create the impression that the goods sold by the Tenant Defendants are authorized, sponsored, or approved by Plaintiff when, in fact, they are not.

B. *Defendants 1234 Broadway LLC*

34. 1234 Broadway LLC is the owner of the real property located at 1234 Broadway, New York, New York 10001, which is situated between 30th Street and 31st Street on the east side of Broadway in the borough of Manhattan.

35. 1234 Broadway has owned the Property continuously since 2004.

36. Since as early as March 2011, 1234 Broadway has had actual, specific knowledge that tenants or subtenants of the Property have been using the Property as a base of operations from which to sell counterfeit trademarked goods.

37. 1234 Broadway has repeatedly turned a blind eye to the activities of the Tenant Defendants on the Property, creating a safe haven and marketplace from which counterfeit goods bearing Plaintiff's Federally Registered Trademarks are routinely sold.

C. *Defendants' Activities at the Property*

PLAZA INC. SNEAKER
1234
B'WAY
SAHEL INTERNAT
Cool Breeze
SALES SERVICE INSTALLATIONS

38. On or about December 20, 2010, Plaintiff conducted a civil seizure of counterfeit merchandise from Room 7, seizing a significant quantity of counterfeit merchandise bearing trademarks other than that of Plaintiff.

39. On March 22, 2011, Plaintiff's counsel sent a letter to 1234 Broadway, notifying it of the civil seizure of counterfeit merchandise bearing trademarks other than that of Plaintiff from Room 7 on December 20, 2010.

40. On April 27, 2011, the landlord of the Property, Alfred Sabet, sent a letter to Plaintiff's counsel, stating that Room 7 was vacant as of February 2010, and that 1234 Broadway would lease Room 7 to a new tenant starting May 1, 2011.

41. On April 28, 2011, Plaintiff's counsel and Sabet participated in a phone call, in which Sabet represented that the tenant in Room 7 had been removed.

42. On or about April 28, 2011, Plaintiff conducted a civil seizure of counterfeit merchandise from Room 0-4, seizing a significant quantity of counterfeit merchandise, including but not limited to, 2,500 PRL shirts, 62 pairs of PRL jeans, and 61 PRL jumpers.

43. On May 16, 2011, Plaintiff's counsel sent a letter to Sabet, notifying him of the civil seizure of counterfeit PRL merchandise from Room 0-4 on April 28, 2011.

44. On May 18, 2011, Sabet sent Plaintiff's counsel a letter stating that 1234 Broadway had terminated the lease with the tenant in Room 0-4, and that the tenant had voluntarily vacated.

45. On June 20, 2011, Plaintiff's counsel sent a letter to Sabet informing him that the Property had been placed on Plaintiff's list of monitored properties.

46. On December 10, 2011, Plaintiff conducted a civil seizure of counterfeit merchandise from Room 13, seizing a significant quantity of counterfeit merchandise, including but not limited to, 15 pairs of PRL boots.

47. On January 18, 2012, Plaintiff's counsel sent a letter to Sabet notifying him of the civil seizure of counterfeit PRL merchandise from Room 13 on December 10, 2011. Sabet never responded to Plaintiff's counsel's January 18, 2012 letter.

48. After receiving no response to their January 18, 2012 letter, Plaintiff's counsel sent a follow-up letter to Sabet on February 2, 2012, requesting a response.

49. On March 30, 2012, Plaintiff dispatched an investigator to the Property to conduct an assessment as to whether or not counterfeiting was ongoing. While at the Property, the investigator observed the sale of counterfeit goods and made an evidential purchase of merchandise bearing trademarks other than that of Plaintiff.

50. On April 30, 2012 Plaintiff dispatched an investigator to the Property to conduct an assessment as to whether or not counterfeiting was ongoing. While at the Property, the investigator observed the sale of counterfeit goods and made an evidential purchase of merchandise bearing trademarks other than that of Plaintiff.

51. On June 12, 2012 Plaintiff dispatched an investigator to the Property to conduct an assessment as to whether or not counterfeiting was ongoing. While at the Property, the investigator observed the sale of counterfeit goods and made an evidential purchase of merchandise bearing trademarks other than that of Plaintiff.

52. On November 28, 2012, Plaintiff conducted a civil seizure of counterfeit merchandise from Room 13, seizing a significant quantity of counterfeit merchandise bearing trademarks other than that of Plaintiff. This November 28, 2012 civil seizure follows Plaintiff's December 10, 2011 civil seizure of counterfeit merchandise from Room 13 and subsequent January 18, 2012 notification to Sabet, evidencing the continued sale of counterfeit goods from Room 13, despite notice to Defendant.

53. Despite Sabet's May 18, 2011 representation that the tenant of Room 0-4 had vacated, on or about December 20, 2012, Plaintiff conducted a civil seizure of counterfeit merchandise from Room 0-4, seizing a significant quantity of counterfeit merchandise, including but not limited to, four (4) pairs of PRL boots, evidencing the revolving door of counterfeiting activity at the Property.

54. On December 28, 2012, Plaintiff's counsel sent a letter to Sabet notifying him of the civil seizure of counterfeit PRL merchandise from Room 13 on November 28, 2012. Sabet never responded to Plaintiff's counsel's December 28, 2012 letter.

55. After receiving no response to their December 28, 2012 letter, Plaintiff's counsel sent a follow-up letter to Sabet on January 24, 2013, requesting a response and notifying him of the seizure of counterfeit PRL merchandise from Room 0-4 on December 20, 2012.

56. On February 12, 2013, Sabet sent a letter to Plaintiff's counsel, stating that the tenant in Room 0-4 had been evicted and that Room 0-4 had been leased to a new tenant.

57. On or about February 12, 2013, Plaintiff dispatched an investigator to the Property to conduct an assessment as to whether or not counterfeiting was ongoing. Despite the representation Sabet made that very same day that the counterfeiting tenant in Room 0-4 had been evicted, the investigator observed the sale of counterfeit goods being offered for sale in Room 0-4 and made an evidential purchase of merchandise bearing trademarks other than that of Plaintiff, evidencing the revolving door of counterfeiting activity at the Property.

58. On March 7, 2013, Plaintiff's counsel sent a letter to Sabet, notifying him of the evidential purchase of counterfeit PRL merchandise from Room 0-4 on February 12, 2013.

59. On March 12, 2013, Plaintiff's counsel and Sabet participated in a phone call, in which Sabet represented that none of the tenants in the basement of the Property were engaged in the sale of counterfeit goods, and requested affidavits of Plaintiff's evidentiary purchases of counterfeit goods from the Property.

60. On March 19, 2013, Plaintiff's counsel emailed a letter to Sabet, including details of where the evidentiary purchases of counterfeit PRL goods were made at the Property.

61. On or about May 8, 2013, Plaintiff dispatched an investigator to the Property to conduct an assessment as to whether or not counterfeiting was ongoing. While at the Property,

the investigator observed the sale of counterfeit goods and made an evidential purchase of merchandise bearing trademarks other than that of Plaintiff.

62. On October 24, 2013, Plaintiff's counsel emailed Sabet requesting a meeting regarding the ongoing sale of counterfeit goods at the Property. Sabet never responded to Plaintiff's counsel's October 24, 2013 email.

63. After receiving no response to their October 24, 2013 email, Plaintiff's counsel sent a follow-up email to Sabet on October 29, 2013 again requesting a meeting regarding the ongoing sale of counterfeit goods at the Property. Sabet never responded to Plaintiff's counsel's October 29, 2013 email.

64. After receiving no response to their October 24, 2013 and October 29, 2013 emails, Plaintiff's counsel sent another follow-up email to Sabet on November 7, 2013, indicating that they had left a second voicemail on Sabet's answering machine on November 6, 2013, and again requesting a meeting to address the ongoing sale of counterfeit goods at the Property. Sabet never responded to Plaintiff's counsel's repeated requests for a meeting.

65. On November 19, 2013, Sabet emailed Plaintiff's counsel stating that 1234 Broadway had performed an investigation and determined that the "issue" was with a room Plaintiff has designated as "Room 14." Sabet further stated that 1234 Broadway had "convinced [the Room 14 tenant] to vacate without formal eviction procedures" by November 30, 2013 and that Sabet was "confident that they will vacate."

66. On December 4, 2013, Plaintiff's counsel emailed Sabet stating that the ongoing sale of counterfeit goods at the Property was not limited to Room 14, and again requested a

meeting with Mr. Sabet. Sabet never responded to Plaintiff's counsel's repeated requests for a meeting.

67. On December 6, 2013, Sabet emailed Plaintiff's counsel attaching photos of a vacant Room 14.

68. Despite Sabet's April 28, 2011 assurances that the counterfeiting tenant in Room 7 had been removed, on or about June 27, 2015, Plaintiff conducted a civil seizure of counterfeit merchandise from Room 7, seizing a significant quantity of counterfeit merchandise, including but not limited to, 38 PRL shirts and one (1) PRL scarf, evidencing the revolving door of counterfeiting activity at the Property.

69. On August 25, 2015, Plaintiff's counsel sent a letter to Sabet, notifying him of the civil seizure of counterfeit PRL merchandise from Room 7 on June 27, 2015. Sabet never responded to Plaintiff's counsel's August 25, 2015 letter.

70. On or about March 3, 2016 and March 18, 2016, Plaintiff dispatched an investigator to the Property to conduct an assessment as to whether or not counterfeiting was ongoing. While at the Property, the investigator observed the sale of counterfeit goods in Room 6 and made evidential purchases of merchandise bearing trademarks other than that of Plaintiff.

71. On or about April 1, 2016, Plaintiff conducted a civil seizure of counterfeit merchandise from Room 6, seizing a significant quantity of counterfeit merchandise, including but not limited to, 25 PRL shirts.

72. Despite Sabet's April 28, 2011 assurances that the counterfeiting tenant in Room 7 had been removed, on or about April 1, 2016, Plaintiff conducted a civil seizure of counterfeit merchandise from Room 7, seizing a significant quantity of counterfeit merchandise, including

but not limited to, 60 PRL shirts and 48 pairs of PRL shorts, evidencing the continued sale of counterfeit activity at the Property.

73. On or about April 1, 2016, Plaintiff conducted a civil seizure of counterfeit merchandise from Room 8, seizing a significant quantity of counterfeit merchandise, including but not limited to, 12 PRL sweat suits.

74. On or about June 9, 2016, Plaintiff dispatched an investigator to the Property to conduct an assessment as to whether or not counterfeiting was ongoing. While at the Property, the investigator observed the sale of counterfeit goods in Room 6 and made evidential purchases of merchandise bearing trademarks other than that of Plaintiff.

75. On or about July 29, 2016, Plaintiff dispatched an investigator to the Property to conduct an assessment as to whether or not counterfeiting was ongoing. While at the Property, the investigator observed the sale of counterfeit goods from Room 6 and made evidential purchases of merchandise bearing trademarks other than that of Plaintiff.

76. On or about September 15, 2016, Plaintiff conducted a civil seizure of counterfeit merchandise from Room 6, seizing a significant quantity of counterfeit merchandise bearing trademarks other than that of Plaintiff.

FIRST CAUSE OF ACTION

TRADEMARK COUNTERFEITING AGAINST THE TENANT DEFENDANTS 15 U.S.C. § 1114

77. Plaintiff repeats and realleges the allegations of the previous paragraphs as though fully set forth herein.

78. The Tenant Defendants have knowingly manufactured, advertised, promoted, distributed, sold and offered for sale goods bearing counterfeit versions of Plaintiff's Federally Registered Trademarks from the Property.

79. The Tenant Defendants' use of counterfeit versions of Plaintiff's Federally Registered Trademarks in connection with the manufacturing, advertisement, promotion, distribution, sale and offer for sale of goods that do not originate from Plaintiff is likely to cause confusion, mistake and deception among consumers that the counterfeit goods originate from, are sponsored by, or associated with, Plaintiff.

80. The Tenant Defendants' misconduct constitutes the intentional and willful use of counterfeit versions of Plaintiff's Federally Registered Trademarks in connection with the sale, offering for sale, or distribution of goods, in violation of 15 U.S.C. §§ 1114(1).

81. The Tenant Defendants' acts constitute trademark counterfeiting in violation of 15 U.S.C. § 1114.

82. Upon information and belief, in committing these wrongs, the Tenant Defendants intentionally and willfully intended to trade on the goodwill associated with Plaintiff's Federally Registered Trademarks.

83. Upon information and belief, in committing these wrongs, the Tenant Defendants acted willfully within the meaning of 15 U.S.C. § 1117(c)(2).

84. Upon information and belief, the Tenant Defendants have made and will continue to make substantial profits to which they are not entitled in law or equity.

85. Upon information and belief, the Tenant Defendants intend to continue their infringing acts, unless restrained by this Court.

86. The Tenant Defendants' acts damaged and will continue to damage Plaintiff, and Plaintiff has no adequate remedy at law.

87. In light of the foregoing, Plaintiff is entitled to injunctive relief prohibiting the Tenant Defendants from using Plaintiff's Federally Registered Trademarks or any marks identical and/or confusingly similar thereto for any purpose, and to recover from the Tenant Defendants all damages, including attorneys' fees, that Plaintiff has sustained and will sustain as a result of such infringing acts, and all gains, profits and advantages obtained by the Tenant Defendants as a result thereof, in an amount not yet known, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a), attorneys' fees and treble damages pursuant to 15 U.S.C. § 1117(b), and/or statutory damages pursuant to 15 U.S.C § 1117(c).

SECOND CAUSE OF ACTION

TRADEMARK INFRINGEMENT AGAINST THE TENANT DEFENDANTS 15 U.S.C. § 1114

88. Plaintiff repeats and realleges the allegations of the previous paragraphs as though fully set forth herein.

89. Plaintiff's Federally Registered Trademarks are nationally recognized, including within the Southern District of New York, as being affixed to goods and merchandise of the highest quality.

90. The registrations embodying Plaintiff's Federally Registered Trademarks are in full force and effect and Plaintiff has authorized responsible manufacturers to produce, and vendors to sell, merchandise with these trademarks.

91. The Tenant Defendants' unauthorized use of Plaintiff's Federally Registered Trademarks in commerce and advertising constitutes false designation of origin and a false representation that the goods are manufactured, offered, sponsored, authorized, licensed by or

otherwise connected with Plaintiff or come from the same source as Plaintiff's goods and are of the same quality as that assured by Plaintiff's Federally Registered Trademarks.

92. The Tenant Defendants' infringing use of Plaintiff's Federally Registered Trademarks is without Plaintiff's permission or authority and is in total disregard of Plaintiff's rights to control their trademarks.

93. The Tenant Defendants' activities are likely to lead to and result in confusion, mistake or deception, and are likely to cause the public to believe that Plaintiff has produced, sponsored, authorized, licensed or is otherwise connected to or affiliated with the Tenant Defendants.

94. Upon information and belief, the Tenant Defendants' acts are deliberate and intended to confuse the public as to the source of the Tenant Defendants' goods or services and to injure Plaintiff and reap the benefit of Plaintiff's goodwill.

95. As a direct and proximate result of the Tenant Defendants' willful and unlawful conduct, Plaintiff has been injured and will continue to suffer injury to its business and reputation unless the Tenant Defendants are restrained by this Court from infringing Plaintiff's Federally Registered Trademarks.

96. Plaintiff has no adequate remedy at law.

97. In light of the foregoing, Plaintiff is entitled to injunctive relief prohibiting the Tenant Defendants from using Plaintiff's Federally Registered Trademarks or any marks identical and/or confusingly similar thereto, for any purpose, and to recover from the Tenant Defendants all damages, including attorneys' fees, that Plaintiff has sustained and will sustain as a result of such infringing acts, and all gains, profits and advantages obtained by the Tenant Defendants as a result thereof, in an amount not yet known, as well as the costs of this action

pursuant to 15 U.S.C. § 1117(a), attorneys' fees and treble damages pursuant to 15 U.S.C. § 1117(b), and/or statutory damages pursuant to 15 U.S.C. § 1117(c).

THIRD CAUSE OF ACTION

FEDERAL TRADEMARK DILUTION AGAINST THE TENANT DEFENDANTS 15 U.S.C. § 1125(C)

98. Plaintiff repeats and realleges the allegations of the previous paragraphs as though fully set forth herein.

99. Plaintiff is the exclusive owner of its Federally Registered Trademarks as set forth above.

100. The Tenant Defendants' use of Plaintiff's Federally Registered Trademarks on the counterfeit goods they sell constitutes the Tenant Defendants' commercial use in commerce of Plaintiff's Federally Registered Trademarks.

101. These marks have been used for years and are so globally recognized and associated with Plaintiff that they are entitled to be recognized as famous and distinctive under 15 U.S.C. §1125(c).

102. Plaintiff's Federally Registered Trademarks have come to have a secondary meaning indicative of origin, relationship, sponsorship and/or association with the Plaintiff and its distinctive reputation for high quality. The purchasing public is likely to attribute to Plaintiff the Tenant Defendants' use of Plaintiff's Federally Registered Trademarks as a source of origin, authorization and/or sponsorship for the products the Tenant Defendants sell, and further, purchase the Tenant Defendants' products in the erroneous belief that the Tenant Defendants are associated with, sponsored by or affiliated with Plaintiff, when they are not.

103. Plaintiff has not authorized or licensed the use of Plaintiff's Federally Registered Trademarks to the Tenant Defendants.

104. The Tenant Defendants' unauthorized use of Plaintiff's Federally Registered Trademarks in their marketing, sale and distribution of counterfeit products are diluting the distinctive quality of Plaintiff's Federally Registered Trademarks and the goodwill associated therewith in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(c).

105. Such conduct has injured Plaintiff and that injury will continue unless the Court enjoins the Tenant Defendants from committing further wrongful acts.

106. Upon information and belief, the Tenant Defendants intentionally and willfully utilized Plaintiff's Federally Registered Trademarks and traded on Plaintiff's reputation and goodwill.

107. Plaintiff has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts by the Tenant Defendants in an amount thus far not determined.

FOURTH CAUSE OF ACTION

FALSE DESIGNATION OF ORIGIN AND FALSE ADVERTISING AGAINST THE TENANT DEFENDANTS 15 U.S.C. §1125 (a)

108. Plaintiff repeats and realleges the allegations of the previous paragraphs as though fully set forth herein.

109. The Tenant Defendants have, in connection with their goods, used in commerce, and continue to use in commerce, Plaintiff's Federally Registered Trademarks.

110. The Tenant Defendants have affixed, applied and used in connection with their sale of goods false designations of origin and false and misleading descriptions and representations, including Plaintiff's Federally Registered Trademarks, which tend falsely to

describe the origin, sponsorship, association or approval by Plaintiff of the goods sold by the Tenant Defendants.

111. The Tenant Defendants have used one or more of Plaintiff's Federally Registered Trademarks with full knowledge of the falsity of such designations of origin, descriptions and representations, all to the detriment of Plaintiff.

112. The Tenant Defendants' use of Plaintiff's Federally Registered Trademarks on the counterfeit goods constitutes false descriptions and representations tending to falsely describe or represent the Tenant Defendants and their products as being authorized, sponsored, affiliated or associated with Plaintiff.

113. The Tenant Defendants have used one or more of Plaintiff's Federally Registered Trademarks on counterfeit goods with the express intent to cause confusion and mistake, to deceive and mislead the purchasing public, to trade upon the high quality reputation of Plaintiff and to improperly appropriate for themselves the valuable trademark rights of Plaintiff.

114. The Tenant Defendants' aforesaid acts constitute the use in commerce of false designations of origin and false and/or misleading descriptions or representations, tending to falsely or misleadingly describe and/or represent the Tenant Defendants' products as those of Plaintiff in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

115. The Tenant Defendants' wrongful acts will continue unless enjoined by this Court.

116. Plaintiff has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts in an amount thus far not determined.

FIFTH CAUSE OF ACTION

INJURY TO BUSINESS REPUTATION AGAINST THE TENANT DEFENDANTS NY GBL § 360-1

117. Plaintiff repeats and realleges the allegations of the previous paragraphs as though fully set forth herein.

118. Due to Plaintiff's extensive sales and significant marketing and promotional activities, Plaintiff's Federally Registered Trademarks have achieved widespread acceptance and recognition among the consuming public throughout the United States.

119. Plaintiff's Federally Registered Trademarks are arbitrary and distinctive and identify Plaintiff as the source and origin of the goods on which Plaintiff's Federally Registered Trademarks appear.

120. The Tenant Defendants have caused and will continue to cause irreparable injury to Plaintiff's goodwill and business reputation, in violation of New York General Business Law § 360-1.

121. In light of the foregoing, Plaintiff is entitled to injunctive relief prohibiting the Tenant Defendants from using Plaintiff's Federally Registered Trademarks, and to recover all damages, including attorneys' fees, that Plaintiff has sustained and will sustain, and all gains, profits and advantages obtained by the Tenant Defendants as a result of their infringing acts alleged above in an amount not yet known as well as the costs of this action.

SIXTH CAUSE OF ACTION

COMMON LAW TRADEMARK INFRINGEMENT AGAINST THE TENANT DEFENDANTS

122. Plaintiff repeats and realleges the allegations of the previous paragraphs as though fully set forth herein.

123. Plaintiff owns all right, title, and interest in and to Plaintiff's Federally Registered Trademarks, including all common law rights in those marks.

124. The Tenant Defendants, without Plaintiff's authorization, have used and are continuing to use spurious designations that are identical to, substantially indistinguishable from, or confusingly similar to Plaintiff's Federally Registered Trademarks.

125. The Tenant Defendants' foregoing acts are intended to cause, have caused, and are likely to continue to cause confusion, mistake, and deception among consumers, the public, and the trade as to whether the Tenant Defendants' goods originate from, are affiliated with, sponsored by, or endorsed by Plaintiff.

126. The Tenant Defendants' acts constitute trademark infringement in violation of the common law of the State of New York.

127. Plaintiff has been irreparably harmed and will continue to be irreparably harmed as a result of the Tenant Defendants' unlawful acts unless they are permanently enjoined from their unlawful conduct.

128. Plaintiff has no adequate remedy at law.

SEVENTH CAUSE OF ACTION

CONTRIBUTORY TRADEMARK COUNTERFEITING, TRADEMARK INFRINGEMENT AND FALSE DESIGNATIONS OF ORIGIN AGAINST DEFENDANTS 1234 BROADWAY LLC

129. Plaintiff repeats and realleges the allegations of the previous paragraphs as though fully set forth herein.

130. The Tenant Defendants have committed direct acts of trademark counterfeiting, trademark infringement, use of false designations of origin and trademark dilution. Counterfeit

PRL merchandise has been displayed and offered for sale and sold by the Tenant Defendants on the Property.

131. At all relevant times, 1234 Broadway has had actual, specific knowledge that the Tenant Defendants and others were using the Property as a base of operation from which to sell counterfeit trademarked goods – including goods of inferior quality – that bear counterfeit versions of Plaintiff's Federally Registered Trademarks.

132. Despite such direct and specific knowledge, 1234 Broadway has knowingly continued to permit and condone the Tenant Defendants' use of the Property as a base of operation from which to sell goods bearing counterfeit versions of Plaintiff's Federally Registered Trademarks.

133. 1234 Broadway has repeatedly turned a blind eye to the activities of the Tenant Defendants on their Property, creating a safe haven and marketplace from which counterfeit goods bearing Plaintiff's Federally Registered Trademarks are routinely sold.

134. 1234 Broadway Avenue receives direct financial benefit through the lease of the Property.

135. At all relevant times, 1234 Broadway has had the ability to prevent others from using the Property as a base from which to sell goods bearing counterfeit versions of Plaintiff's Federally Registered Trademarks, yet 1234 Broadway has neglected to do so.

136. Despite having this ability, 1234 Broadway has repeatedly failed to take reasonably adequate measures to ensure that the Property is not used by sellers of counterfeit goods.

137. 1234 Broadway has provided the Tenant Defendants with the means and instrumentality necessary to sell counterfeit goods from the Property and have benefited from the sale of counterfeits.

138. Acting with the foregoing actual and constructive knowledge, 1234 Broadway has enabled, facilitated, perpetuated and materially contributed to the Tenant Defendants' unlawful acts.

139. 1234 Broadway is contributorily liable to Plaintiff for their participation in the unlawful acts of the Tenant Defendants.

140. The counterfeiting of Plaintiff's Federally Registered Trademarks is to the great and irreparable damage of Plaintiff and Plaintiff believes, as indicated, that 1234 Broadway will continue to benefit from counterfeiting activities unless enjoined by this Court.

141. The activities of 1234 Broadway are likely to lead to and result in confusion, mistake or deception and are likely to cause the public to believe that Plaintiff has produced, sponsored, authorized, licensed or are otherwise connected or affiliated with 1234 Broadway's commercial and business activities, all to the detriment of Plaintiff.

142. As a result of the willful and unlawful conduct of 1234 Broadway, Plaintiff has been injured and will continue to suffer injury to its business and reputation unless 1234 Broadway is restrained by this Court.

143. The acts of 1234 Broadway have damaged and will continue to damage Plaintiff, and Plaintiff has no adequate remedy at law.

144. In light of the foregoing, Plaintiff is entitled to injunctive relief prohibiting 1234 Broadway from enabling the sale of counterfeit merchandise bearing Plaintiff's Federally Registered Trademarks or any marks identical and/or confusingly similar thereto for any

purpose, and to recover from 1234 Broadway all damages, including attorneys' fees that Plaintiff has sustained and will sustain.

145. As a result of such infringing acts, Plaintiff is entitled to all gains, profits and advantages obtained by 1234 Broadway as a result thereof, in an amount not yet known, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a), attorneys' fees and treble damages pursuant to 15 U.S.C. § 1117(b), and/or statutory damages pursuant to 15 U.S.C § 1117(c).

EIGHTH CAUSE OF ACTION

PRIVATE RIGHT OF ACTION AGAINST DEFENDANTS 1234 BROADWAY LLC N.Y. REAL PROP. L. § 231

146. Plaintiff repeats and realleges the allegations of the previous paragraphs as though fully set forth herein.

147. The manufacture, distribution, sale or offer for sale of goods bearing counterfeit trademarks is an unlawful trade or business under New York law.

148. 1234 Broadway and has knowingly leased or given possession of the Property to be used or occupied, in whole or in part, for the manufacture, distribution, sale or offer for sale of goods bearing counterfeit trademarks.

149. 1234 Broadway has knowingly permitted the Property to be used, in whole or in part, for the manufacture, distribution, sale or offer for sale of goods bearing counterfeit trademarks.

150. By reason of the foregoing, pursuant to N.Y. Real Prop. L. § 231(2), 1234 Broadway is jointly and severally liable to Plaintiff for all damages resulting from the unlawful trademark counterfeiting activities of the Tenant Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court enter judgment against Defendants as follows:

Against the Tenant Defendants:

A. Granting temporary, preliminary and permanent injunctive relief restraining the Tenant Defendants, their agents, servants, employees, officers, associates, attorneys, and all persons acting by, through, or in concert with any of them, from:

(1) Using Plaintiff's Federally Registered Trademarks or any marks confusingly similar thereto, in connection with the manufacturing, distribution, advertising, offering for sale, and/or sale of merchandise;

(2) Committing any other act which falsely represents or which has the effect of falsely representing that the goods and services of the Tenant Defendants are licensed by, authorized by, offered by, produced by, sponsored by, or in any other way associated with, Plaintiff;

(3) Otherwise infringing upon Plaintiff's Federally Registered Trademarks;

(4) Otherwise diluting Plaintiff's Federally Registered Trademarks;

(5) Unfairly competing with Plaintiff; and

(6) Leasing or subleasing space to any tenant who is engaged in the manufacturing, purchasing, production, distribution, circulation, sale, offering for sale, importation, exportation, advertisement, promotion, display, shipping, or marketing of products that bear Plaintiff's Federally Registered Trademarks, or any other marks confusingly similar to substantially similar thereto;

B. Awarding Plaintiff all of the Tenant Defendants' profits and all damages sustained by Plaintiff as a result of the Tenant Defendants' wrongful acts, and such other compensatory damages as the Court determines to be fair and appropriate pursuant to 15 U.S.C. § 1117(a);

C. Awarding treble damages in the amount of the Tenant Defendants' profits or Plaintiff's damages, whichever is greater, for willful infringement pursuant to 15 U.S.C. § 1117(b);

D. Awarding applicable interest, costs, disbursements and attorneys' fees, pursuant to 15 U.S.C. § 1117(b); and

E. Awarding Plaintiff statutory damages pursuant to 15 U.S.C. §1117(c).

Against Defendant 1234 Broadway LLC:

A. Granting temporary, preliminary and permanent injunctive relief restraining 1234 Broadway, its agents, servants, employees, officers, associates, attorneys, and all persons acting by, through, or in concert with any of them, from leasing or subleasing space to any tenant who is engaged in the manufacturing, purchasing, production, distribution, circulation, sale, offering for sale, importation, exportation, advertisement, promotion, display, shipping, or marketing of products that bear Plaintiff's Federally Registered Trademarks, or any other marks confusingly similar to or substantially similar thereto; and

B. Finding 1234 Broadway contributorily liable for the Tenant Defendants' counterfeiting of Plaintiff's Federally Registered Trademarks and for any damages resulting from the Tenant Defendants' activities complained of herein, including, but not limited to, actual damages, statutory damages, treble damages, interest, costs, disbursements and attorneys' fees.

Against all Defendants

A. Awarding actual damages suffered by Plaintiff as a result of Defendants' acts;

B. Ordering an accounting by Defendants of all gains, profits and advantages derived from their wrongful acts;

C. Ordering Defendants to disgorge their profits;

D. Awarding Plaintiff punitive damages in connection with their claims under New York law; and

E. That the Court award Plaintiff such other and further relief as it deems proper.

Dated: New York, New York
November 9, 2016

BAKER & HOSTETLER LLP

By: ______________________

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